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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,006	03/23/2000	Patrick M. Phillips	ELECT-043436	2659
22045	7590	03/01/2004	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/536,006	PHILLIPS ET AL.
Examiner	Art Unit	
John M Winter	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 26 November 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 6,7,19,21,25,29,37,39,43,44,48 and 49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 6,7,21,29,39,43,44,48 and 49 is/are allowed.

6)  Claim(s) 19,25 and 37 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date

- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

Claims 6,7,19,21,25,29,37,39,43,44,48 and 49 remain pending

Claims 1-5,8-18,20,22-24,26-28,30-36,38,40-42,45-47 and 50-56 have been canceled

### *Allowability Withdrawn*

The previously indicated allowability of claims 19,25 and 27 is withdrawn upon further consideration.

### *Response to Arguments*

The applicants arguments filed on November 26, 2003 have been fully considered.

The amended claims are rejected in view of the newly discovered reference Braun et al. (US Patent 4,321,672)

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19,25 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare, Jr et al (US Patent 6,230,148) in view of JCR Financial Services and further in view of Braun et al, (US Patent 4,321,672).

As per claim 19,

Pare Jr. et al. ('148) discloses a method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of:

accepting an input of check information submitted by consumer;(Figure 7)

verifying the accuracy of the check information;(column 8, lines 41-46)

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;(column 11, lines 38-45)

debiting the consumers checking account from which the check was drawn in an amount indicated in the check information;(column 4, lines 57-59)

crediting the merchant's account in the amount indicated in the check information.(column 4, lines 59-61)

wherein if the reason for the return is that the consumers checking account has insufficient funds or uncollected funds, additional processing is performed comprising: notifying the merchant that the check was returned when it was first presented.(column 11, lines 57-65)

Pare Jr. et al. ('148) discloses does not specifically disclose presenting the check information to the Automated Clearing House for a second presentment; JCR Financial Services discloses presenting the check information to the Automated Clearing House for a second presentment (page 1, column 1 – 2<sup>nd</sup> block under ECR 2000) It would be obvious to one having ordinary skill in the art of electronic banking at the time the invention was made to combine the Pare Jr. et al. ('148) method with the JCR Financial Services method in order to maximize the likelihood of funds recovery.

Official Notice is taken that "if the check is returned by the Automated Clearing House, an additional processing step is conducted comprising determining the reason why the check was returned." is common and well known in prior art in reference to processing electronic funds. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the reason the check was returned in order create a profile of reasons for not processing checks.

wherein if the check is returned by the Automated Clearing House after the second presentment, additional processing is conducted comprising the steps of: debiting the merchant's account by the amount indicated in the check information.(column 11, lines 57-67; column 12, lines 1-3)

Pare Jr. et al. ('148) discloses does not specifically disclose determining why the check was returned and notifying the merchant that the check was returned after the second presentment; JCR Financial Services discloses determining why the check was returned and notifying the merchant that the check was returned after the second presentment (page 2, column 1, 2<sup>nd</sup> block ) It would be obvious to one having ordinary skill in the art of electronic banking at the time the invention was made to combine the Pare Jr. et al. ('148) method with the JCR Financial Services method in order to allow the merchant to maintain a list of outstanding receivable funds..

Pare Jr. et al. ('148) discloses does not specifically disclose refunding the merchants account one or more processing fees paid by the merchant; Braun et al.('672) discloses refunding the merchants account one or more processing fees paid by the merchant (Figure 8 ) It would be obvious to one having ordinary skill in the art of electronic banking at the time the invention was made to combine the Pare Jr. et al. ('148) method with the Braun et al method in order to allow the merchant to reduce expenditures.

Claims 25 and 37 are in parallel with claim 19 and are rejected for at least the same reasons.

#### *Allowable Subject Matter*

Claims 6,7,21,29,39,43,44,48 and 49 are allowed.

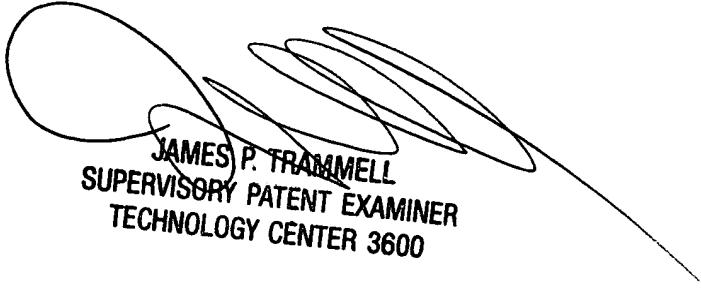
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammel can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW  
February 23, 2004



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600